

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER E. BROWN,
an individual,

Plaintiff,

-against-

MAYORE ESTATES LLC,
a New York Limited Liability Company, and
CENTURY 21 DEPARTMENT STORES LLC,
a New York Limited Liability Company,

Defendants.

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Case No. 07 CV 5782 (DLC)

ANSWER

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Defendant Mayore Estates LLC, by its attorney Martin Kurlander, as and for its
answer to the complaint, respectfully alleges:

JURISDICTION AND PARTIES

FIRST: Denies each and every allegation contained in paragraph "1" of the
complaint, except admits that this Court is vested with the original jurisdiction for a claim under
the Americans With Disabilities Act pursuant to 28 U.S.C. §§ 1331 and 1343.

SECOND: Admits each and every allegation contained in paragraph "2" of the
complaint.

THIRD: Denies knowledge or information sufficient to form a belief as to the
truth of each and every allegation contained in paragraph "3" of the complaint.

FOURTH: Denies knowledge or information sufficient to form a belief as to the
truth of each and every allegation contained in paragraph "4" of the complaint.

FIFTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "5" of the complaint.

SIXTH: Denies each and every allegation contained in paragraph "6" of the complaint, except admits that Defendant Mayore Estates LLC is a New York limited liability company, existing under and by virtue of the laws of the State of New York and is one of the owners of the premises known as 22 Cortlandt Street, New York, New York 10007.

SEVENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "7" of the complaint.

ANSWERING COUNT I

EIGHTH: Defendant Mayore Estates LLC repeats, realleges and reaffirms each and every admission or denial of paragraphs "1" through "7" of the complaint as restated and incorporated in paragraph "8" of the complaint.

NINTH: Admits each and every allegation contained in paragraph "9" of the complaint.

TENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "10" of the complaint.

ELEVENTH: Denies each and every allegation contained in paragraph "11" of the complaint.

TWELFTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "12" of the complaint.

THIRTEENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "13" of the complaint.

FOURTEENTH: Denies each and every allegation contained in paragraph "14" of the complaint.

FIFTEENTH: Denies each and every allegation contained in paragraph "15" of the complaint.

SIXTEENTH: Denies each and every allegation contained in paragraph "16" of the complaint.

SEVENTEENTH: Denies each and every allegation contained in paragraph "17" of the complaint.

EIGHTEENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "18" of the complaint.

NINETEENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "19" of the complaint and refer all questions of law and fact to the Trial Court.

**AS AND FOR A FIRST
AFFIRMATIVE DEFENSE**

TWENTIETH: That Defendant Mayore Estates LLC is only one of the owners of the premises 22 Cortlandt Street, New York, New York 10007.

TWENTY-FIRST: That Plaintiff has failed to include the other co-owner of the premises as a party defendant.

TWENTY-SECOND: That said co-owner is a necessary party defendant herein.

TWENTY-THIRD: That by reason of the foregoing, the complaint herein must be dismissed.

**AS AND FOR A SECOND
AFFIRMATIVE DEFENSE**

TWENTY-FOURTH: That the premises complained of are wholly maintained, operated and controlled by Defendant Century 21 which is a tenant in the building known as 22 Cortlandt Street, New York, New York.

TWENTY-FIFTH: That defendant Century 21 is a tenant under a lease which preceded the ownership of Defendant Mayore Estates of the building.

TWENTY-SIXTH: That Defendant Mayore Estates LLC has no control over the operation and maintenance of the premises occupied by Defendant Century 21.

TWENTY-SEVENTH: Upon information and belief, all of the conditions complained of in the complaint existed prior to the effective date of the ADA.

TWENTY-EIGHTH: Upon information and belief, the public areas of the building known as 22 Cortlandt Street other than the area leased to and operated and controlled by Century 21 comply with the ADA.

TWENTY-NINTH: That by reason of the foregoing, co-defendant Mayore Estates LLC has no liability to Plaintiff.

**AS AND FOR A CROSS-CLAIM AGAINST
THE CO-DEFENDANT CENTURY 21
DEPARTMENT STORES LLC**

THIRTIETH: That Defendant Mayore Estates LLC is one of the owners of the building known as 22 Cortlandt Street, New York, New York.

THIRTY-FIRST: That Defendant Century 21 Department Stores LLC is a tenant in said building and is also an owner of the adjoining building which comprises part of the

Century 21 Department Store area and that adjoining building has no connection whatsoever with premises known as 22 Cortlandt Street, New York, New York.

THIRTY-SECOND: Upon information and belief, the area complained of is the area leased by Century 21 from Defendant Mayore Estates LLC and another owner or owned by Century 21.

THIRTY-THIRD: That the area complained of is exclusively maintained, controlled and operated by co-defendant Century 21.

THIRTY-FOURTH: That any and all requirements, if any, to comply with the ADA for the area alleged in the complaint is the exclusive obligation of the Defendant Century 21 and not the obligation of Defendant Mayore Estates LLC.

THIRTY-FIFTH: That if Plaintiff suffered any damages as set forth in the complaint, same was in the premises exclusively maintained, operated and controlled by Defendant Century 21.

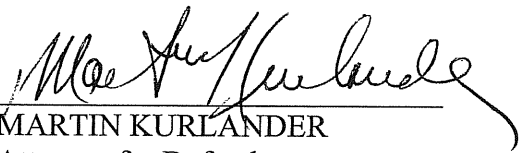
THIRTY-SIXTH: That if the Plaintiff was caused to sustain damages at the time and in the manner set forth in Plaintiff's complaint, same was caused wholly and solely by reason of the active and affirmative acts and/or failure to act and carelessness on the part of co-defendant, Century 21, all without any fault on the part of the Defendant Mayore Estates LLC and co-defendant Century 21 is liable and obligated to indemnify Mayore Estates LLC for the amount of any judgment or recovery had against it by the Plaintiff herein including Defendant Mayore Estates LLC's attorney's fees.

THIRTY-SEVENTH: That in the alternative if Plaintiff was caused to sustain damages as set forth in the complaint, and such damages were sustained by reason of the acts

and/or failure to act on the part of both Defendants herein, that this Court determine the relevant proportionate share of any damages to be awarded to the Plaintiff herein.

WHEREFORE, Defendant Mayore Estates LLC demands judgment dismissing the complaint and further demands judgment against the co-defendant Century 21 on its cross-claim and that this Court award Defendant Mayore Estates LLC costs, disbursements and reasonable attorney's fees and such other, further and different relief as it deems just and proper.

Dated: Brooklyn, New York
September 11, 2007


MARTIN KURLANDER
Attorney for Defendant
Mayore Estates LLC
32 Court Street
Brooklyn, New York
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TO: KU & MUSSMAN, P.A.
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PROSKAUER, ROSE LLP
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Century 21 Department Stores LLC
1585 Broadway
New York, New York 10036
Attn: Joshua A. Stein, Esq.
Tel. (212) 969-3000
Fax (212) 969-2921

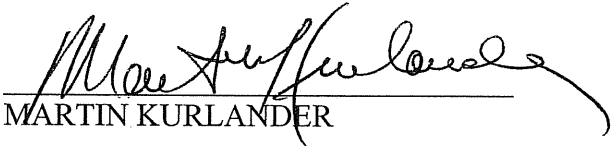
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to Plaintiff's Complaint was served on September 11, 2007 via United States First Class Mail, postage prepaid, upon the following:

KU & MUSSMAN, P.A.
Attorneys for Plaintiff
176 Route 304, 2nd Floor
Bardonia, New York 10954
Attn: J. Justin Griffin, Esq.

PROSKAUER, ROSE LLP
Attorneys for Defendant
Century 21 Department Stores LLC
1585 Broadway
New York, New York 10036
Attn: Joshua A. Stein, Esq.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 11, 2007.


MARTIN KURLANDER

Case No. 07 CV 5782

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER E. BROWN,

Plaintiff,

-against-

**MAYORE ESTATES LLC,
a New York Limited Liability Company, and
CENTURY 21 DEPARTMENT STORES LLC,
a New York Limited Liability Company,**

Defendants.

ANSWER

**MARTIN KURLANDER, ESQ.
*Attorney for Defendant
Mayore Estates LLC*
32 Court Street, Suite 602
Brooklyn, New York 11201
(718) 246-9060**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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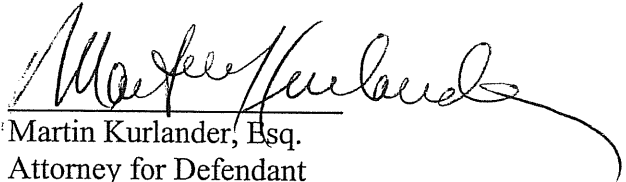
Defendants.

Case No. 07 CV 5782

**STATEMENT UNDER
RULE 7.1**

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Plaintiffs (private non-governmental parties) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held. **NONE**

Dated: September 11, 2007


Martin Kurlander, Esq.
Attorney for Defendant
Mayore Estates LLC
32 Court Street
Brooklyn, New York 11201
Tel. No. (718) 246-9060

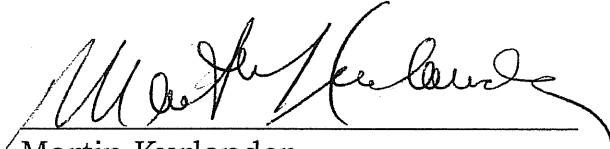
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I hereby certify that on September 11, 2007, a true and correct copy of the foregoing Statement Under Rule 7.1 was served via United States First Class Mail, postage prepaid, upon the following:

Ku & Mussman, P.A.
Attorneys for Plaintiff
176 Route 304, 2nd Floor
Bardonia, New York 10954
Attn: J. Justin Griffin, Esq.

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Century 21 Department Stores LLC
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Martin Kurlander

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STATEMENT UNDER RULE 7.1

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